New England Biolabs, Inc. 32 Tozer Road Beverly, MA 01915

DECLARATION AND POWER OF ATTORNEY Original Application

Attorney Docket No.NEB-163PUS

As a below named inventor, I hereby declare that: My residence, post address and citizenship are as stated below next to my name I believe that I am the original, first and sole inventor (in only one hame is listed at 201 below) or an original, first and joint inventor (if plural names are listed at 201-203 below) of the subject matter which is claimed and which a patent is sought on the invention entitled: Method For Generating Split, Non-Transferable Genes That Are Able To Express An Active Protein Product which is described and claimed in: 9/13/01 09/936,588 [] the attached specification or [x] the specification in Application Serial No. ____ (for declaration not accompanying application) And, was amended on_ if applicable I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's bertificate having a filing date before that of the application on which priority is claimed: FOREIGN APPLICATION(S) IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION DATE OF FILING (day, month, PRIORITY CLAIMED UNDER COUNTRY APPLICATION year) 35 U.S.C. 119 YES NO YES NO ALL FOREIGN APPLICATION(S) IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION PRIORITY CLAIMED UNDER (day, month, 35 U.S.C. 119 COUNTRY APPLICATION year) PCT/US00/14122 23 May 2000 PCT

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date

of this application:

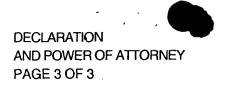
| Application Serial No. | Filing Date | Status (Patented, Pending, Abandoned) |
|------------------------|-------------|---------------------------------------|
| . 60/135,677 | 24 May 1999 | Pending |
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DECLARATION AND POWER OF ATTORNEY PAGE 3 OF 3

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|-----|----|---------------------|----------------------|-----------------------|-------------|
| | | Full Name of | Last Name | First Name | Middle Name |
| | 2 | Inventor | Sun | Luo | |
| | | Residence & | City | State/Foreign Country | Citizenship |
| | 0 | Citizenship | Hamilton MA | Massachusetts | P.R. China |
| | | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| 1 | 6 | | 46 Plum Street | Hamilton, MA | 01982 |
| ſ | | Full Name of | Last Name | First Name | Middle Name |
| | 2 | Inventor | Chen | Lixin | |
| Ŋ | | Residence & | City | State/Foreign Country | Citizenship |
| | 0 | Citizenship | Beverly /// | Massachusetts | P.R. China |
| | | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| | 7_ | | 60 Rantoul St., #409 | Beverly, MA | 01915 |
| | | Full Name of | Last Name | First Name | Middle Name |
| | 2 | Inventor | Ghosh | Inca | |
| ۱ ' | | Residence & | City | State/Foreign Country | Citizenship |
| ł | 0 | Citizenship | Somerville MA | Massachusetts | India |
| | | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| L | 8 | | 10 Cottage Ave | Somerville, MA | 02144 |
| | | Full Name of | Last Name | First Name | Middle Name |
| | 2 | Inventor | | | |
| | | Residence & | City | State/Foreign Country | Citizenship |
| | 0 | Citizenship | | | |
| | | Post Office Address | Post Office Address | City/State/Country | Zip Code |
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I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Signature of Inventor 201 | Date Sept. 29, 2001 |
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| Signature of Inventor 202 | Date 8. 2, 2001 |
| Signature of Inventor 203 | Date Oct 2,01 |
| Olivard D (myentor) 204 | Date Oct 2, 01 |
| Signature of Inventor 205 | Date |
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| Signature of Inventor 207 | Date ()cf. 2 . 0 |
| Signature of Inventor 208 | Date 11st 2, 2001 |
| Signature of Inventor 209 | Date |



| Inventor Sun Luo Residence & City State/Foreign Country Citizenship Hamilton Massachusetts P.R. China Post Office Address Post Office Address City/State/Country Zip Code 46 Plum Street Hamilton, MA 01982 | | Full Name of | Last Name | First Name | Middle Name |
|--|---|---------------------|----------------------|-----------------------|-------------|
| O Citizenship Hamilton Massachusetts P.R. China Post Office Address Post Office Address G Vity/State/Country Full Name of Inventor Chen Citizenship Beverly Massachusetts P.R. China Post Office Address City State/Foreign Country Citizenship Beverly Massachusetts P.R. China Post Office Address First Name Citizenship Citizenship Beverly Massachusetts P.R. China Full Name of Last Name First Name First Name Middle Name City/State/Country First Name Middle Name First Name Middle Name Citizenship Somerville Post Office Address City/State/Foreign Country Citizenship Citizenship Somerville Massachusetts India Post Office Address City/State/Country State/Foreign Country Citizenship Citizenship Somerville, Massachusetts Full Name of Last Name First Name Middle Name Full Name of Last Name First Name Middle Name Full Name of Last Name First Name Middle Name Citizenship Somerville, Ma Citizenship Citizenship Citizenship Citizenship | 2 | Inventor | Sun | Luo | |
| Post Office Address Post Office Address City/State/Country Zip Code 46 Plum Street Hamilton, MA 01982 Full Name of Last Name First Name Middle Name Lixin Residence & City State/Foreign Country Massachusetts P.R. China Post Office Address Post Office Address City/State/Country Zip Code 60 Rantoul St., #409 Beverly, MA 01915 Full Name of Last Name First Name Middle Name Inventor Ghosh Inca Residence & City State/Foreign Country Citizenship Citizenship Somerville Massachusetts India Post Office Address Post Office Address City/State/Country Zip Code O2144 Full Name of Last Name First Name Middle Name Citizenship Citizenship | | Residence & | City | State/Foreign Country | Citizenship |
| Full Name of Last Name City State/Foreign Country Massachusetts P.R. China Full Name of Last Name Lixin O Citzenship Beverly Massachusetts P.R. China Post Office Address Fost Office Address City/State/Country Middle Name Full Name of Last Name First Name Middle Name Last Name First Name Middle Name Last Name First Name Middle Name Citizenship Somerville Massachusetts India Post Office Address Post Office Address City/State/Country Citizenship Full Name of Last Name First Name Middle Name Citizenship Somerville Massachusetts India Post Office Address Post Office Address City/State/Country Somerville, MA O2144 Full Name of Last Name First Name Middle Name Citizenship Somerville, MA O2144 Full Name of Last Name First Name Middle Name Citizenship Citizenship Citizenship Citizenship Citizenship Citizenship Cottizenship Code | 0 | Citizenship | Hamilton | Massachusetts | P.R. China |
| Full Name of Inventor Chen Lixin Residence & City State/Foreign Country Massachusetts P.R. China Post Office Address Post Office Address 60 Rantoul St., #409 Beverly, MA 01915 Full Name of Inventor Ghosh Inca Residence & City State/Foreign Country Middle Name Total Name of Inventor Ghosh Inca Residence & City State/Foreign Country Massachusetts India Post Office Address Post Office Address City/State/Country Somerville, MA 02144 Full Name of Last Name First Name India Post Office Address Post Office Address City/State/Country Somerville, MA 02144 Full Name of Last Name First Name Middle Name Citizenship Somerville, MA 02144 Full Name of Last Name First Name Middle Name Citizenship State/Foreign Country Citizenship C | | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| Inventor Chen Lixin Citizenship Residence & City State/Foreign Country Citizenship P.R. China | 6 | | 46 Plum Street | Hamilton, MA | 01982 |
| Residence & City O Citizenship Beverly | | Full Name of | Last Name | First Name | Middle Name |
| Citizenship Beverly Massachusetts P.R. China Post Office Address Post Office Address City/State/Country Zip Code 7 | 2 | Inventor | Chen | Lixin | |
| Post Office Address Post Office Address City/State/Country Zip Code 60 Rantoul St., #409 Beverly, MA 01915 Full Name of | | 1 | | State/Foreign Country | |
| Full Name of Inventor Ghosh Inca Residence & City State/Foreign Country Citizenship India Post Office Address Inca Full Name of Inventor Ghosh Inca Residence & City State/Foreign Country Massachusetts India Post Office Address Post Office Address City/State/Country Somerville, MA Full Name of Inventor Residence & City State/Foreign Country State/Foreign Country Citizenship O Citizenship Citizenship O Citizenship Post Office Address Post Office Address City/State/Country Citizenship | 0 | | | Massachusetts | P.R. China |
| Full Name of Inventor Ghosh Inca Residence & City State/Foreign Country Citizenship O Citizenship Somerville Massachusetts India Post Office Address Post Office Address City/State/Country Zip Code 10 Cottage Ave Somerville, MA 02144 Full Name of Last Name First Name Middle Name Post Office Address City Full Name of Citizenship Full Name of Citizenship Full Name of Citizenship Cottage Ave City/State/Country Citizenship Citizenship Post Office Address Post Office Address City/State/Country Zip Code | | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| Inventor Ghosh Inca Residence & City State/Foreign Country Citizenship India | 7 | | 60 Rantoul St., #409 | Beverly, MA | 01915 |
| Residence & City Citizenship Somerville Massachusetts India Post Office Address Post Office Address 10 Cottage Ave Somerville, MA Full Name of Last Name Inventor Residence & City Citizenship Post Office Address Post Office Address City/State/Country Somerville, MA First Name Middle Name Citizenship O Citizenship | l | Full Name of | Last Name | First Name | Middle Name |
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| Post Office Address Post Office Address City/State/Country Zip Code 02144 Full Name of Last Name First Name Middle Name Post Office Address City State/Foreign Country Citizenship Post Office Address Post Office Address City/State/Country Zip Code | | Residence & | City | State/Foreign Country | Citizenship |
| 8 10 Cottage Ave Somerville, MA 02144 Full Name of Inventor First Name Middle Name 2 Residence & City State/Foreign Country Citizenship Post Office Address Post Office Address City/State/Country Zip Code | 0 | Citizenship | Somerville | Massachusetts | India |
| Full Name of Last Name First Name Middle Name Pesidence & City State/Foreign Country Citizenship Post Office Address Post Office Address City/State/Country Zip Code | 1 | Post Office Address | Post Office Address | City/State/Country | Zip Code |
| Inventor | 8 | | 10 Cottage Ave | Somerville, MA | 02144 |
| Residence & City State/Foreign Country Citizenship O Citizenship Post Office Address Post Office Address City/State/Country Zip Code | _ | Full Name of | Last Name | First Name | Middle Name |
| O Citizenship Post Office Address Post Office Address City/State/Country Zip Code | 2 | Inventor | | | |
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| Signature of Inventor 201 | Date |
|---------------------------|--------------|
| Signature of Inventor 202 | Date |
| Signature of Inventor 203 | Date |
| Signature of Inventor 204 | Date |
| Signature of Inventor 205 | Date 9/20/0/ |
| Signature of Inventor 206 | Date / / |
| Signature of Inventor 207 | Date |
| Signature of Inventor 208 | Date |
| Signature of Inventor 209 | Date |